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McGuire Woods LLP
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EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
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3691

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07/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Allowability	Application No.	Applicant(s)	
	10/757,578	RIDER ET AL.	
	Examiner	Art Unit	
	BIJENDRA K. SHRESTHA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/07/2010.
2. ☒ The allowed claim(s) is/are 17-19,21-35,38,39 and 43-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691

EXAMINER STATEMENT

This action is responsive to the supplemental amendment filed on 04/21/2010. The amendment include typo error where claim 21 is recited to depends on claim 20 which has been cancelled by the amendment.

The supplemental amendment merged limitation of claim 20 into independent claim 17. Therefore, the correction should be made so that the claim 21 depends on claim 17.

SUPPLEMENTAL EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Examiner amendment includes amendment to claim 21 due to typo error. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Charles J. Gross (Reg. No. 52,972) on 07/01/2010.

Claims 1 - 16 (cancelled)

17. (previously amended) A computer-implemented method for assessing product risk comprising the steps of:

providing predetermined attractiveness scores associated with product attributes and one or more age brackets for a product, the product attributes including images,

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color, textures, movement, light, noise, smell, and taste, wherein the providing occurs prior to a market introduction of the product;

prompting for feedback relating to each of the product attributes;

providing predetermined mitigation scores associated with one or more mitigation categories and the one or more age brackets;

prompting for mitigation feedback;

generating a composite attractiveness score and a composite mitigation score based on the feedback;

generating a composite product score based on a difference between the composite attractiveness score and the composite mitigation score for an age bracket;

computing at least one product score for the product attributes based on the predetermined attribute scores and the feedback; and

outputting the composite product score to be used at least in part to change a design criteria of the product,

wherein the providing, prompting, computing and outputting steps are performed by a computer.

18. (previously amended) *The method of claim 17, further comprising the step of:*

generating at least one mitigation score based on the mitigation feedback, wherein the mitigation score provides a mitigation to the at least one product score.

19. (original) *The method of claim 18, wherein the mitigation feedback relates to at least one of a caregiver perception, a user perception, a value, and a labeling effectiveness.*

20. (cancelled)

21. (**currently amended**) *The method of claim ~~20~~ 17, wherein the composite product score is indicative of risk level for a certain age group using a certain product.*

22. (original) *The method of claim 18, wherein the mitigation score is color coded.*

23. (previously presented) *The method of claim 17, wherein the product attributes include at least one of a sensory attribute, a physical attribute, and a cognitive attribute.*

24. (original) *The method of claim 23, wherein the sensory attribute includes at least one of a image attribute, a color attribute, a texture attribute, a movement attribute, a light attribute, a sound attribute, a smell attribute, and a taste attribute, and wherein the cognitive attribute includes at least one of a challenge attribute and an influential attribute.*

25. (original) *The method of claim 24, wherein the image attribute includes at least one of a no face, a simple outline of a face, a representation of a human face, a*

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representation of a recognizable character, a representation of a generic character, a recognizable object, and an abstract recognizable image.

26. (original) The method of claim 24, wherein, the color attribute includes at least one of a non-primary/neutral color, a primary/bright color, a black and white color, multiple contrasting colors, and a shiny/reflective color.

27. (original) The method of claim 24, wherein, the challenge attribute includes at least one of opportunity for intellectual challenge and no opportunity for intellectual challenge.

28. (original) The method of claim 23, wherein the physical attribute includes at least one of no physical opportunity, encouraging gross motor skills, encouraging individual fine motor skills, and interactive physical activity attribute.

29. (original) The method of claim 17, further comprising the steps of:

providing one or more predetermined exploration scores having one or more exploration attributes and one or more age brackets;

prompting for feedback relating to one or more exploration questions, each of the one or more exploration questions having an associated one of the one or more predetermined exploration scores; and

generating an exploration summary score based on affirmatively answered questions of the feedback and corresponding associated one or more predetermined

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exploration scores associated with the affirmatively answered questions, the exploration summary having the one or more exploration attributes and the one or more age brackets,

wherein the exploration summary is indicative of behavior preferences by the one or more age brackets and the one or more exploration attributes.

30. (original) The method of claim 29, wherein the one or more exploration attributes include at least one of a mouthing object, an alternating mouthing and looking object, a rotating object, a first insertion attribute, a second insertion attribute, a transferring hand to hand attribute, a banging objects attribute, a dropping objects attribute, a throwing objects attribute, a combining objects, a using appropriately attribute, a representational play attribute, a using imaginatively object attribute, and a testing the limits attribute.

31. (previously amended) A computer-implemented method for assessing product risk comprising the steps of:

providing predetermined attractiveness scores associated with product attributes and one or more age brackets for a product, the product attributes including images, color, textures, movement, light, noise, smell and taste, wherein the providing predetermined attractiveness scores occurs prior to a market introduction of the product;

providing predetermined mitigation scores associated with one or more mitigation categories and the one or more age brackets;

providing mitigation feedback;

generating a composite attractiveness score~ and a composite mitigation score based on the mitigation feedback;

generating a composite product score based on a difference between the composite attractiveness score and the composite mitigation score for an age group;

and

outputting the composite product score for changing a design criteria of the product,

wherein each of the providing and generating steps execute on a computer platform.

32. (original) *The method of claim 31, wherein the composite product score is indicative of at least one of behavioral attractiveness and risk.*

33. (original) *The method of claim 31, further comprising the steps of:*

providing one or more predetermined exploration scores having one or more exploration attributes and one or more age brackets;

prompting for feedback relating to one or more exploration questions, each of the one or more exploration questions having an associated one of the one or more predetermined exploration scores; and

generating an exploration summary score based on affirmatively answered exploration questions using the one or more predetermined exploration scores associated with the affirmatively answered questions,

wherein the exploration summary is indicative of behavior preferences by the one or more age brackets and the one or more exploration attributes.

34. (original) The method of claim 31, wherein the one or more product attributes include at least one of a sensory attribute, a physical attribute, and a cognitive attribute and the one or more mitigation categories includes at least one of a caregiver perception, a user perception, a value, and a labeling effectiveness.

35. (previously amended) A computer program product embodied in a storage medium having components for executing a process, the computer program product when executed on a computer for assessing product attractiveness and risk, comprising:

a first component embodied in a storage medium to provide predetermined attractiveness scores associated with product attributes and one or more age brackets for a product, the product attributes including images, color, textures, movement, light, noise, smell and taste, wherein the first component provides predetermined attractiveness scores prior to a market introduction of the product;

a second component embodied in a storage medium to prompt for feedback relating to each the product attributes; and

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a third component embodied in a storage medium to compute a product attractiveness score for the product attributes based on the predetermined attribute scores and the feedback;

a fourth component embodied in the storage medium to provide predetermined mitigation scores associated with one or more mitigation categories and the one or more age brackets;

a fifth component embodied in a storage medium to prompt for mitigation feedback; and

a sixth component embodied in a storage medium to generate a composite attractiveness score, and a composite mitigation score based on the mitigation feedback; and

a seventh component embodied in a storage medium to generate and output a composite product score based on a difference between the composite attractiveness score and the composite mitigation score for changing a design criteria of the product.

36-37. (cancelled)

38. (previously amended) *The computer program product of claim 35, wherein the composite product score is indicative of risk level.*

39. (previously amended) *The computer program product of claim 35, wherein the mitigation score and attractiveness score are color coded.*

40-42. (cancelled)

43. (previously amended) The method of claim 17, wherein the providing step occurs during design of the product.

44. (previously presented) The method of claim 31, wherein the providing predetermined attractiveness scores step occurs during design of the product.

45. (previously amended) The computer program_product of claim 35, wherein the providing predetermined attractiveness scores step occurs during design of the product.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bijendra K. Shrestha/
Examiner, Art Unit 3691
07/01/2010

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691